

TCCD Trinity River Levee Modification Permit
Section 106 Consulting Parties Meeting
January 8, 2008
Meeting Minutes

On January 8, 2007 the USACE convened a 10am meeting with consulting parties to discuss the Section 106 aspects of the Tarrant County College District (TCCD) Downtown Campus project. The purpose of the meeting was to review the project, discuss with consulting parties of ways to avoid, reduce or mitigate adverse effects resulting from the Corps permit/approval to modify the Trinity River levee, and create an initial list of items for the mitigation of the adverse effects to be stipulated in a Memo of Agreement (MOA).

Consulting parties attending:

- Tarrant County College District (TCCD)
- Texas Historical Commission (THC)
- USACE
- Tarrant County Historical Commission
- North Fort Worth Historical Society
- Historic Conservation, Inc.
- Tarrant County Archives and Historical Commission
- National Trust for Historical Preservation
- Historic Fort Worth
- City of Fort Worth – Planning & Development
- Tarrant Regional Water District (TWRD)
- Historic Landmarks, Inc.

Chaired by Joseph Murphey of the Corps of Engineers, Mr. Murphey made an initial Powerpoint presentation of the project and aspects related to the Section 106 submission. A consensus was reached to share information presented and meeting minutes of the consultation with the public via the USACE website. He then facilitated an open discussion in an effort to gather the input of the consulting parties on ways to avoid, reduce or mitigate adverse effects of the undertaking. The following is a listing of the issues raised and the potential mitigation efforts proposed for the MOA.

1. A question was raised regarding the work currently underway on the south (downtown) side of the river. The reason this work is proceeding is because no federal permit or approval is required and the current construction could be completed without Corps involvement. To date, no application for a permit/approval has been filed and all compliance work being done is proactive in anticipation of a permit application.
2. Discussion ensued over the bluff being a Traditional Cultural Property (TCP). The Corps has determined that it meets conditions needed to be listed on the National

Register as a TCP, but awaits formal THC concurrence. The USACE will continue to consult with the THC to resolve the issue. The THC does not encounter TCP's very often, and in their opinion, few properties meet the criteria. The general view of the THC representatives was favorable toward the Bluff being a TCP but requires more study. The Section 106 process can continue forward without making a final determination of eligibility for properties involved. Other aspects of the bluff discussed were:

- a. Maintenance of the access to the bluff area. TCCD has always wanted to cooperate with the city and Water District to provide access to the bluff and to both sides of the river and levee system. This commitment could be codified in the mitigation.
 - b. A suggestion was made to nominate the bluff to the National Register of Historic Places and City Landmark status.
 - c. A request was made to include in the mitigation a commitment by the school to vet future landscaping at the bluff through local interests.
 - d. An additional mitigation suggestion was to put all results of investigations in local archives and libraries.
3. Areas with an adverse impact have been determined by the Corps as the Viaduct, the Levee, the Courthouse, the TXU power plant, and the Bluff.
4. The TXU power plant building is considered by the Corps as part of the overall project. Dr. Wells of the TCCD said that the school has no plans to use the building at this time and that they came to own it as a stipulation of the property acquisition. It was by the TCCD request that TXU did not demolish the power plant prior to the land ownership transfer. Dr. Wells indicated that the TCCD will work with local groups to determine a good use for the complex. When plans are determined, it will be a Section 106 undertaking and this approach needs to be addressed in an MOA.
5. The construction work currently being executed on the bluff has been reviewed and coordinated under the requirement of the Texas Antiquities Code for archaeology.
6. Michael Bennett of Gideon Toal, Inc. represented the design team in the meeting and walked the group through the thinking during the design process. The project complies with the zoning restrictions created by the Trinity River Vision.
7. All the buildings on the north side are designed with the levee configuration in mind. If, in the future, the levees do not come down as planned, the campus will function without impact. There are plans being considered to complete the buildings to the ground when the levees are eventually removed.
8. The design of the Campus is believed by some parties to be very respectful to the bluff, viaduct, Courthouse, levee system and TXU Power Plant. The question was raised if that could be considered as part of the mitigation. Joseph indicated that it would be better suited in the "whereas clauses" of the MOA.
9. The inclusion of mitigation efforts including the viaduct was discussed. As the Main Street Bridge/viaduct is not directly a part of the project and is under TxDOT, placing encumbrances on the property is difficult. However, additional historic designations such as local recognition may be possible.

10. The COE will begin creating all the boilerplate language for the MOA in the next few days and will be issuing it for review to the consulting parties. Also, they will issue a copy of the Central City MOA for reference.
11. A discussion of “local designation” was held. The TXU power plant building is an asset to the City. Local Designation could create incentives for development of the building. There are specialty developers that may be very interested in the reuse of the TXU complex. TCCD has always considered the TXU complex as an asset. Mothballing the complex will protect the TCCD investment by protecting the buildings and the historic aspects of the plant.
12. Discussion was also held regarding the TXU building as to placing it on the City of Fort Worth Registry and placing it on the National Register of Historic Places.
13. Two items were of concern regarding the Bluff, access to the river and protection of the Bluff as a resource. Representatives agreed to work on draft language that addresses these issues.
14. Other concerns expressed include:
 - a. The impact on the Halprin designed Heritage Park. The City is already handling the preservation of this property. It was suggested that TCCD should coordinate with the City. Historic Fort Worth requests that the National Register Eligibility of the Park be reconsidered for a property that could meet the criteria for exceptional significance for a property less than fifty years of age. The Corps will consult with THC over this matter.
 - b. The historical relationship of the TXU complex with the location of the old rail yards.
 - c. The impact of the Fredric Douglas Park on the north site.
 - d. Continued coordination with the consulting parties with regard to design changes on the project.
 - e. The Fort Worth Historical Commission will recommend any additional historical research. One mitigation measure might possibly be the addition of historical markers around the site describing certain interest points identified in this additional research.
 - f. The Tarrant County Historical Commission provided a list of concerns. This list is attached. The question came up if all these concerns represent the official stance of the TCHC or if some were individual comments. The TCHC committed to identifying which comments represent the commission’s official stance and deleting the individual comments when responding to the meeting minutes.
15. On a whiteboard, Mr. Murphey listed the items the consulting groups generated that are to be initially considered for inclusion in the MOA. The list is as follows:
 - Additional Historical Investigations
 - Interpretive Materials
 - Local designation for the Viaduct
 - TXU
 - Mothballing
 - Protection
 - Local designation

- TCCD endorse current National Register Nomination by the Corps under the Central City Mitigation
 - Easements
 - Explore Re-use
 - Bluff
 - Keep TCCD Portion Vegetation
 - National Register Nomination as TCP
 - Local designation
 - Do Something With Heritage Park (reconsider eligibility)
16. Mr. Murphey indicated that there could be follow-up meetings to go over the final recommendations. TCCD would like to consider what can be done without an additional meeting. Dr. Wells will have to discuss the measures suggested with the TCCD Board before providing an official response. If the mitigation measures can be agreed to without an extra meeting, Joseph said he could include them in the draft MOA and begin circulating it for review and, ultimately, approval. Signatories to the MOA are anticipated to be the State Historic Preservation Officer, the Corps, the TCCD, and the TRWD (as they will have a maintenance agreement with TCCD for the levee).
 17. Signatories are parties that have responsibilities under the agreement and are required for it to be legally valid. As of today, that is the USACE, THC, TCCD and TRWD. All other parties are invited, but not required, to sign. As consultation progresses, more parties may become signatories if they assume responsibilities.
 18. The PowerPoint presentation and the final meeting minutes will be published to the public. All consulting parties will review and provide input to the meeting minutes prior to publishing.
 19. The Corps indicated that the current understanding, subject to verification, is that the overall approval package can be processed (sent to Division and Washington) concurrently without a signed agreement that evidences Section 106 compliance. A Finding of No Significant Impact for the EA may be issued because mitigation for the adverse impacts is achievable. However, Corps final approval/permit cannot be issued without a signed agreement. Other federal regulations also must be met before an approval/permit is issued.
 20. The consulting parties committed to providing their review of the meeting minutes and any additional input within one week since their input is on the critical path timeline for the college to be able to submit to the Corps for permit as soon as possible.

The meeting concluded at 2pm.